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**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF WYOMING**

CLOUD PEAK ENERGY, INC., <i>et al.</i> ,	)	
	)	
<i>Petitioners,</i>	)	Civil Case No. 19-cv-120-SWS
	)	(Lead Case)
v.	)	
	)	Civil Case No. 19-cv-121-SWS
	)	(Joined Case)
UNITED STATES DEPARTMENT OF	)	
THE INTERIOR, <i>et al.</i> ,	)	Civil Case No. 19-cv-126-SWS
	)	(Joined Case)
<i>Respondents.</i>	)	

**NOTICE OF APPEAL**

Pursuant to FED. R. APP. P. 3 and 28 U.S.C. § 1291, Federal Respondents United States Department of the Interior; Debra Haaland, in her official capacity as Secretary of the United States Department of the Interior;<sup>1</sup> Office of Natural Resources Revenue

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<sup>1</sup> Pursuant to FED. R. CIV. P. 25(d), Debra Haaland is automatically substituted for David Bernhardt as Secretary of the Interior, and Kimbra Davis is automatically substituted for Greg Gould as ONRR Director.

(“ONRR”); and Kimbra Davis, in her official capacity as ONRR Director, hereby appeal to the United States Court of Appeals for the Tenth Circuit from this Court’s September 8, 2021 Order (ECF No. 108 in Case No. 19-cv-120, ECF No. 99 in Case No. 19-cv-121, ECF No. 96 in Case No. 19-cv-126), entering into judgment the Court’s September 8, 2021 Order (ECF No. 107 in Case No. 19-cv-120, ECF No. 98 in Case No. 19-cv-121, ECF No. 95 in Case No. 19-cv-126) upholding in part and reversing in part the 2016 Valuation Rule addressing calculation of royalties owed to the federal government for oil, gas, and coal produced from federal lands and offshore leases as well as coal produced from Indian lands.

Respectfully submitted this 5th day of November, 2021.

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/s/ Paul A. Turcke  
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**CERTIFICATE OF SERVICE**

I certify that on November 5, 2021, I electronically filed the foregoing with the clerk of the court through the CM/ECF system, which will send notice of the filing to counsel of record in the above-styled case.

/s/ Paul A. Turcke  
Paul A. Turcke